IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 14158 of 2007(I)

PETITIONER:

DASAN,
LICENSEE TODDY SHOP T.S.NO.91/2007-08,
CHERTHALA RANGE, RESIDING AT KIZHAKKUTHALAKKAL,
MARARIKULAM NORTH, CHERTHALA.

BY ADV. SRI.A.N.RAJAN BABU

RESPONDENTS:
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1. **THE ASSISTANT EXCISE COMMISSIONER,**
   ALAPPUZHA.

2. **THE CIRCLE INSPECTOR OF POLICE,**
   MARARIKULAM.

3. **THE SUB INSPECTOR OF POLICE,**
   MARARIKULAM.

4. **PEETHAN,**
   VALIPARAMBU HOUSE, MARARIKULAM.

5. **XAVIER,**
   CHARANKATTU HOUSE, MARARIKULAM.

6. **BABU,**
   THENASSERY HOUSE, MARARIKULAM.

7. **CHANDRAN,**
   KAMBIYATHU, MARARIKULAM.

***ADDL.R8 IS IMPLEADED:**

**R8. THE DISTRICT COLLECTOR,
ALAPPUZHA.**

**(*ADDL.R8 IS IMPLEADED AS PER ORDER DT.11/05/2007
IN I.A.NO.6237/07)**

BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.14158/2007 I

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF LICENCE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER AND 3 OTHERS FOR T.S.NO.91/07-08 DTD. 19/04/2007.**

EXT.P2: **COPY OF G.O.(MS) 34/07 TD DTD. 1/03/07 DECLARING THE POLICY OF THE GOVERNMENT OF KERALA.**

EXT.P3: **COPY OF WRITTEN COMPLAINT BEFORE THE 2ND RESPONDENT ALLEGING THE ILLEGAL OBSTRUCTIONS ON THE PART OF THE RESPONDENTS.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 14158 OF 2007-I

Dated 28th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

In view of the interim order passed by this Court, no further orders are required in this writ petition. But, it is clarified that the order of this Court will not affect the powers of the competent authority to consider the representations against the grant of licence for the conduct of the toddy shop or its location in the present site and pass appropriate orders thereon. Needless to say, if the licence is suspended or cancelled, the order to grant protection shall also stand recalled.

With the above clarification, the writ petition is closed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/